

UNITED STATES OF AMERICA
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ARI TEMAN,

Defendant.

S1 19 Cr. 696 (PAE)

AFFIDAVIT

I, KAREN FINOCCHIARO, herby declare under the penalties of perjury and pursuant to 28 U.S.C. § 1746:

1. I am a Vice-President and Senior Fraud Investigator at Bank of America, N.A (“Bank of America”). I base this affidavit on my experience and observations working at Bank of America, my review of Bank of America records, and my communications with other employees of Bank of America. I have prepared a document reflecting the bank account names and dollars amounts discussed in this Affidavit, and I attach that document as Exhibit 1.

2. On or about August 6, 2019, Bank of America closed the following bank accounts:

a. An account held in the name of “GateGuard, Inc.,” with account number ending in 8085 (the “GateGuard Account”);

b. An account held in the name of “Ari Teman,” with account number ending in 5580 (the “Ari Teman Account”);

c. An account held in the name of “Friend or Fraud Inc.” with account number ending in 0351 (“Friend or Fraud Account-1”);

d. An account held in the name of “Friend or Fraud Inc.” with account number ending in 7673 (“Friend or Fraud Account-2”); and

e. An account held in the name of “Touchless Labs LLC” with account number 1003 (the “Touchless Labs Account” and, together with the aforementioned accounts, the “Teman Bank Accounts”).

3. At the time the accounts were closed, the GateGuard account had a negative balance of \$259,988.17; the Ari Teman Account had funds equaling \$13,477.37; Friend or Fraud Account-1 had funds equaling \$8,411.00; Friend or Fraud Account-2 had funds equaling \$2.69; and the Touchless Labs Account had funds equaling \$86,910.71. The positive balances in the Ari Teman Account, Friend or Fraud Account-1, Friend or Fraud Account-2, and the Touchless Labs Account were held in Hold Harmless. Funds in Hold Harmless are maintained in an effort to remediate fraud and claims pending events. Bank of America initially disbursed funds from the Hold Harmless account back to the aforementioned customer and the checks were returned undeliverable.

4. Although the GateGuard account had a negative balance and the other Teman Bank Accounts had a positive balance, Bank of America is unable to offset losses in one account (*i.e.*, the GateGuard Account) with positive balances on other accounts held by different corporate entities or personal accounts (*i.e.*, the other Teman Bank Accounts).

5. On or about February 25, 2020, Bank of America sought to return funds from the Ari Teman Account, Friend or Fraud Account-1, Friend or Fraud Account-2, and the Touchless Labs Account. Bank of America mailed physical checks to the owner of those accounts.

6. In or about November 2020, I communicated with other bank officials, who instructed me that Bank of America had identified certain fees charged in the GateGuard account and that the bank was not seeking recovery of those funds. The removal of these fees was reflected

when Bank of America reduced the loss amount by \$647.85, resulting in a total loss of \$259,340.32 in the GateGuard Account.

7. In or about November 2020, I was notified by another Bank of America employee that the bank was able to offset its loss in the GateGuard Account with the funds in the Ari Teman Account totaling \$13,477.37. However, it has since been confirmed an official item was created and sent to Mr. Teman totaling \$13,477.37 and these funds are not available for offset.

Dated: April 2, 2021
New York, New York

Karen M. Finocchiaro
Karen Finocchiaro
Vice-President and Senior Fraud Investigator
Bank of America, N.A.

Exhibit A

GATEGUARD, INC

Party ID: 10012245094

483067038085

\$-259,988.17

\$-259,700.17 C/O

Loss incurred

\$- 259,340.32 (359.85 credit-Misc adjustment)

Ari Teman

Party ID: 35024831102

483066615580

\$13,477.37

Sent funds to customer (funds were transferred from account 8085 & 0351)

\$13,477.37

Friend or Fraud

Party ID: 10010097658

483056100351

\$8,411.00

Sent funds to customer (Funds were transferred from account 8085)

Friend or Fraud

Party ID: 10010097658

483063787673

\$2.69

Sent funds to customer

TOUCHLESS LABS LLC

Party ID: 10010031003

483056101046

\$86,910.71

Sent funds to customer (Funds were transferred from account 0351)

Total loss: \$259,340.32